

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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FRANK BRISCO,

Petitioner,

-against-

WILLIAM PHILLIPS, acting superintendent of
Green Haven Correctional Facility,

Respondent.

**MEMORANDUM OF
DECISION AND ORDER
04-CV-829 (ADS)**

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APPEARANCES:

Frank Brisco, 00-A-4331

Petitioner Pro Se
Green Haven Correctional Facility, P.O. Box 4000
Stormville, NY 12582

Suffolk County District Attorney's Office

Arthur M. Cromarty Court Complex
200 Center Drive
Riverhead, NY 11901

By: Assistant District Attorney Guy Arcidiacono

SPATT, District Judge.

On February 27, 2004, Frank Brisco ("Brisco") filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, seeking relief from his conviction for attempted burglary in the second degree. In an Order dated July 16, 2005, the Court granted Brisco's petition. The Respondent appealed.

On July 21, 2009, the Second Circuit issued a Mandate reversing this Court's judgment and denying Brisco's petition. Pursuant to the Mandate issued by the Second Circuit, it is hereby ordered that the petition for a writ of habeas corpus is denied and the Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: Central Islip, New York
August 13, 2009

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge